

ide, U. S. P., since it differed from the standard of strength as determined by the test laid down in the United States Pharmacopoeia and its label led one to believe that it was of such standard; and in that the statements on the packages of various sizes, "Contents 4 [or "8" or "16"] fl. oz.," were false and misleading when applied to an article that was short volume.

On February 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28696. Adulteration and misbranding of solution citrate of magnesia. U. S. v. Mrs. Elizabeth Margaret Jennings (Border Serum & Drug Co.). Plea of guilty. Fine, \$25. (F. & D. No. 40750. Sample Nos. 67896-B, 47927-C.)

Both lots of this product contained a smaller proportion of magnesium citrate than that prescribed in the United States Pharmacopoeia. One lot also contained a smaller proportion of citric acid than that prescribed therein; and it contained magnesium sulphate, which is not mentioned in the pharmacopoeia as an ingredient of solution of citrate of magnesia.

On February 8, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Elizabeth Margaret Jennings, trading as Border Serum & Drug Co., El Paso, Tex., alleging shipment in violation of the Food and Drugs Act by said defendant on or about March 30, 1936, and June 10, 1937, from the State of Texas into the State of New Mexico, of quantities of solution citrate of magnesia which was adulterated and a portion of which was misbranded. One lot was labeled in part: "Citrate of Magnesia * * * Border Serum and Drug Co., El Paso, Tex." The other lot was labeled: (Blown in bottle) "Solution Citrate Magnesia."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since one lot contained in each 100 cubic centimeters an amount of magnesium citrate corresponding to less than 1.6 grams, namely, not more than 1.273 grams of magnesium oxide; it contained in each 10 cubic centimeters citric acid equivalent to less than 26 cubic centimeters, namely, not more than 19.93 cubic centimeters, of half-normal hydrochloric acid; and it also contained magnesium sulphate, and the other lot contained in each 100 cubic centimeters an amount of magnesium citrate corresponding to less than 1.6 grams, namely, not more than 1.376 grams of magnesium oxide; whereas the United States Pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide, and in each 10 cubic centimeters it shall contain citric acid equivalent to not less than 26 cubic centimeters of half-normal hydrochloric acid, and it does not mention magnesium sulphate as an ingredient of the article; and the standard of strength, quality, and purity of the article was not declared on the label.

One lot of the article was alleged to be misbranded in that the statement "Citrate of Magnesia," borne on the bottle label, was false and misleading since it represented that the article consisted wholly of citrate of magnesia, whereas it consisted in part of magnesium sulphate.

On February 17, 1938, the defendant entered a plea of guilty and was sentenced to pay a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

28697. Misbranding of Kalo's Mentho Jell and Kalo's Headache Powders. U. S. v. Mentho Jell Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 39832. Sample Nos. 19950-C, 19994-C, 19995-C.)

The labeling of these products bore false and fraudulent therapeutic and curative claims, and the quantity of acetanilid in the headache powders was incorrectly declared.

On January 18, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mentho Jell Co., Inc., Albert Lea, Minn., alleging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about May 8 and June 14, 1937, from the State of Minnesota into the States of Wisconsin and Iowa of quantities of Kalo's Mentho Jell and Kalo's Headache Powders which were misbranded. The articles were labeled in part: "Mentho Jell Co. Albert Lea, Minn."